

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

SEWICKLEY VALLEY HOSPITAL and)
THE MEDICAL CENTER, BEAVER, PA,)
Plaintiffs,)
vs.) Civil Action No. 07-869
MICHAEL O. LEAVITT, as the Secretary)
of the United States Department of Health)
and Human Services,)
Defendant.)

O R D E R

AND NOW, this 19th day of June, 2008, after the plaintiffs, Sewickley Valley Hospital and The Medical Center, Beaver, Pa., filed an action in the above-captioned case, and after cross-motions for summary judgment were submitted by the plaintiffs and the defendant, Michael O. Leavitt, Secretary of Health and Human Services, and after a Report and Recommendation was filed by the United States Magistrate Judge granting the parties thirteen days after being served with a copy to file written objections thereto, and upon consideration of the objections filed by the plaintiffs and the response to those objections filed by the defendant, and upon independent review of the motions and the record, and upon consideration of the Magistrate Judge's Report and Recommendation (Docket No. 24), which is adopted as the opinion of this Court,

IT IS ORDERED that plaintiffs' motion for summary judgment (Docket No. 16) is denied.

IT IS FURTHER ORDERED that defendant's motion for summary judgment
(Docket No. 20) is granted.



Donetta W. Ambrose
United States District Judge